

Pt. 223, App. B

- (i) “FRA Type II” material;
- (ii) the manufacturer of the material;
- (iii) the type or brand identification of the material.

APPENDIX B TO PART 223—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
223.9 New or rebuilt Equipment:		
(a) Locomotives	\$2,500	\$5,000
(b) Caboosees	2,500	5,000
(c) Passenger cars	2,500	5,000
(d) (1), (d)(2):		
(i) Window not marked or instructions not posted	2,500	5,000
(ii) Window improperly marked or instructions improperly posted	1,000	2,000
223.11(c) Existing locomotives	2,500	5,000
(d) Repair of window	1,000	2,000
223.13(c) Existing cabooses	2,500	5,000
(d) Repair of window	1,000	2,000
223.15(c) Existing passenger cars	2,500	5,000
(d) Repair of window	1,000	2,000
223.17 Identification of units ...	1,000	1,500

[63 FR 24676, May 4, 1998, as amended at 69 FR 30594, May 28, 2004]

PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

Subpart A—General

- Sec.
- 224.1 Purpose and scope.
 - 224.3 Applicability.
 - 224.5 Definitions.
 - 224.7 Waivers.
 - 224.9 Responsibility for compliance.
 - 224.11 Penalties.
 - 224.13 Preemptive effect.

¹ A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$27,000 for any violation where circumstances warrant. See 49 U.S.C. 21301, 21304, and 49 CFR part 209, appendix A. Further designations, not found in the CFR citation for certain provisions are FRA Office of Chief Counsel computer codes added as a suffix to the CFR citation and used to expedite imposition of civil penalties for violations. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined designation cited in the penalty demand letter.

49 CFR Ch. II (10–1–07 Edition)

- 224.15 Special approval procedures.

Subpart B—Application, Inspection, and Maintenance of Retroreflective Material

- 224.101 General requirements.
- 224.103 Characteristics of retroreflective sheeting.
- 224.105 Sheeting dimensions and quantity.
- 224.106 Location of retroreflective sheeting.
- 224.107 Implementation schedule.
- 224.109 Inspection, repair, and replacement.
- 224.111 Renewal.

APPENDIX A TO PART 224—SCHEDULE OF CIVIL PENALTIES

APPENDIX B TO PART 224—FORM REFLECTORIZATION IMPLEMENTATION COMPLIANCE REPORT

APPENDIX C TO PART 224—GUIDELINES FOR SUBMITTING REFLECTORIZATION IMPLEMENTATION COMPLIANCE REPORTS

AUTHORITY: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461; and 49 CFR 1.49.

SOURCE: 70 FR 62176, Oct. 28, 2005, unless otherwise noted.

Subpart A—General

§ 224.1 Purpose and scope.

(a) The purpose of this part is to reduce highway-rail grade crossing accidents and deaths, injuries, and property damage resulting from those accidents, by enhancing the conspicuity of rail freight rolling stock so as to increase its detectability by motor vehicle operators at night and under conditions of poor visibility.

(b) In order to achieve cost-effective mitigation of collision risk at highway-rail grade crossings, this part establishes the duties of freight rolling stock owners (including those who manage maintenance of freight rolling stock, supply freight rolling stock for transportation, or offer freight rolling stock in transportation) and railroads to progressively apply retroreflective material to freight rolling stock, and to periodically inspect and maintain that material. Freight rolling stock owners, however, are under no duty to install, clean or otherwise maintain, or repair reflective material except as specified in this part.

(c) This part establishes a schedule for the application of retroreflective material to rail freight rolling stock and prescribes standards for the application, inspection, and maintenance of retroreflective material to rail freight

rolling stock for the purpose of enhancing its detectability at highway-rail grade crossings. This part does not restrict a freight rolling stock owner or railroad from applying retroreflective material to freight rolling stock for other purposes if not inconsistent with the recognizable pattern required by this part.

§ 224.3 Applicability.

This part applies to all railroad freight cars and locomotives that operate over a public or private highway-rail grade crossing and are used for revenue or work train service, except:

- (a) Freight rolling stock that operates only on track inside an installation that is not part of the general railroad system of transportation;
- (b) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation;
- (c) Locomotives and passenger cars used exclusively in passenger service; or
- (d) Freight rolling stock that is subject to a reflectorization requirement promulgated by another Federal agency.

§ 224.5 Definitions.

Administrator means the Administrator of the Federal Railroad Administration or the Administrator's delegate.

Associate Administrator means the Associate Administrator for Safety, Federal Railroad Administration, or the Associate Administrator's delegate.

Damaged means scratched, broken, chipped, peeled, or delaminated.

Flat car means a car having a flat floor or deck on the underframe with no sides, ends or roof (including spine cars, articulated and multi-unit intermodal cars).

Freight rolling stock means:

- (1) Any locomotive subject to Part 229 of this chapter used to haul or switch freight cars (whether in revenue or work train service); and

- (2) Any railroad freight car (whether used in revenue or work train service).

Freight rolling stock owner means any person who owns freight rolling stock, is a lessee of freight rolling stock, manages the maintenance or use of

freight rolling stock on behalf of an owner or one or more lessors or lessees, or otherwise controls the maintenance or use of freight rolling stock.

Locomotive has the meaning assigned by § 229.5 of this chapter, but for purposes of this part applies only to a locomotive used in the transportation of freight or the operation of a work train.

Obscured means concealed or hidden (i.e., covered up, as where a layer of paint or dense chemical residue blocks all incoming light); this term does not refer to ordinary accumulations of dirt, grime, or ice resulting from the normal railroad operating environment.

Person means an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track or facilities; any independent contractor providing goods or services to a railroad; and any employee of such an owner, manufacturer, lessor, lessee, or independent contractor.

Railroad means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.

Railroad freight car has the meaning assigned by § 215.5 of this chapter.

Tank car means a rail car, the body of which consists of a tank for transporting liquids.

Universal Machine Language Equipment Register means the database containing information on rail equipment maintained by the Association of American Railroads.

Unqualified Retroreflective Sheeting means engineering grade sheeting, super engineering grade sheeting (enclosed lens) or high-intensity type sheeting (ASTM Type I, II, III, or IV Sheeting) as described in ASTM International Standard D-4956-04, "Standard Specification for Retroreflective Sheeting for Traffic Control."

Work train means a non-revenue service train used for the maintenance and upkeep service of the railroad.